

7,21.02.

REMARKS

Reconsideration is respectfully requested.

By the above Amendment, Claims 1, 9 and 11 have been amended to more clearly delineate and recite the features considered by the Applicants to comprise their invention. The recitation in Claim 12, now cancelled, of a selected range in distance between the branch of the counter electrode and the strip of the pixel electrode has now been inserted into Claim 11, thereby differentiating Claims 9 and 11. Thus the rejection based on double patenting is respectfully considered to have been traversed.

With respect to the substantive rejection, Applicants respectfully submit that the rejections of Claims 1-20 under 35 U.S.C. §103(a) based on Lee et al. (US Patent No. 6,233,034) in view of Kashnow (US Patent No. 3,912,369) are now improper, once a proper understanding of the invention and reference status are determined, as opposed to the properly relied upon prior art.

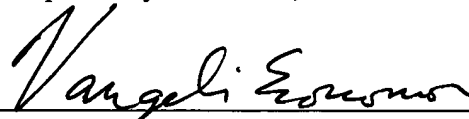
It is respectfully suggested that the relied upon reference to Lee et al. (US Patent No. 6,233,034) is not prior art to the present invention. It is noted that Lee et al. has a date of issue of May 15, 2001, which is after the priority date, June 30, 1998, of the present application. Moreover, the Lee et al. reference does not arise as prior art under 35 USC §102(e) because a) there is common ownership of the Lee et al. patent and the present application, b) there is at least one common inventor, Mr. Seung Heo Lee, in both the cited reference and in the present application. Additionally, Applicants submit herewith an Assignment document and a Request for Publication of the present application, as amended during examination. The common ownership is evidenced by both the present application and US Patent No. 6,233,034 being assigned in an Assignment, dated March 3, 2003, from Hyundai Display Technology, Inc. to

BOE-Hydis Technology Co., Ltd. See attached Exhibit A. The two cited properties are highlighted. This Assignment was submitted for recordation on March 10, 2003, as evidence by the copy of the receipt postcard. The publication request, together with evidence of common ownership, are considered sufficient to overcome the rejections based on Lee et al., see also MPEP 706.02(m).

Thus it is respectfully submitted that the rejections based on Lee et al. (US Patent No. 6,233,034) are improper.

For these reasons, Applicants respectfully request reconsideration and withdrawal of the rejections, made under 35 U.S.C. §103(a), as being improper. In view of the Applicant's overcoming of the rejections, and in view of the amendments made to Claims 1, 9 and 11, it is respectfully suggested that the application is allowable and an indication thereof is earnestly solicited.

Respectfully submitted,



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